

KEVIN V. RYAN (CASBN 118321)
United States Attorney

EUMI L. CHOI (WVSBN 0722)
Chief, Criminal Division

ROBERT DAVID REES (CASBN 229441)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7210
Fax: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
SHEILA WHITTENBERG,
Defendant.

No. 3 05 70552

~~PROPOSED~~ ORDER AND
STIPULATION FOR CONTINUANCE
FROM AUGUST 2, 2005 TO SEPTEMBER
29, 2005 AND EXCLUDING TIME FROM
THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of September 29, 2005 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from August 2, 2005, to September 29, 2005.

The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on her own recognizance.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

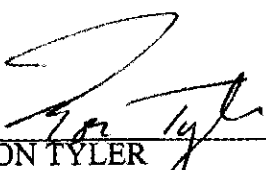
2 4. Counsel for the defense believes that postponing the preliminary hearing is in his
3 client's best interest, and that it is not in his client's interest for the United States to indict the
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
8 the Court finds that the ends of justice served by excluding the period from August 2, 2005 to
9 September 29, 2005, outweigh the best interest of the public and the defendant in a speedy trial.
10 § 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
12 hearing date before the duty magistrate judge on September 29, 2005, at 9:30A.M., and (2) orders
13 that the period from August 2, 2005 to September 29, 2005 be excluded from the time period for
14 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
15 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16
17 IT IS SO STIPULATED:

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19 DATED: 8/8/05



RON TYLER
Attorney for Defendant

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21
22 DATED: 8/4/05



ROBERT DAVID REES
Assistant United States Attorney

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25 IT IS SO ORDERED.

26
27 DATED: 10 Aug 05



HON. BERNARD ZIMMERMAN
United States Magistrate Judge